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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 BOARD OF TRUSTEES OF THE U.A. LOCAL)	No. C 08-2122 SC
12 NO. 355 HEALTH AND WELFARE TRUST)	
12 FUND; BOARD OF TRUSTEES OF THE U.A.)	CASE MANAGEMENT CONFERENCE
13 LOCAL NOS. 343 AND 355 DEFINED)	STATEMENT AND
13 CONTRIBUTION PLAN; BOARD OF TRUSTEES)	<u>(PROPOSED) ORDER</u>
14 OF THE NORTHERN CALIFORNIA/NORTHERN)	
14 NEVADA UTILITY JOURNEYMAN AND)	Date: August 1, 2008
15 APPRENTICE TRAINING TRUST FUND;)	Place: Crtm. 1, 17 th Floor
15 BOARD OF TRUSTEES OF THE U.A. LOCAL)	Time: 10 A.M.
16 NO. 355 LABOR-MANAGEMENT COOPERATION)	
16 COMMITTEE TRUST FUND; AND U.A. LOCAL)	
16 NO. 355,)	
17)	
17 Plaintiffs,)	
18)	
19 v.)	
19 IMAGE LANDSCAPE, INC., a California)	
20 corporation,)	
21)	
21 Defendant.)	

22

23 Pursuant to this Court's order in the above-entitled action,
 24 the undersigned hereby certified as follows:

25 A. Service of process and parties not served: There are no
 26 additional parties to be served.

27 B. Jurisdiction and venue: This action was originally
 28 filed in this court on April 24, 2008. The defendant was served

1 with the Summons and Complaint (and other initial notices and
2 orders) on May 7, 2008 (See, Proof of Service filed with the Court
3 on May 14, 2008). The First Amended Complaint was served on July 7,
4 2008. The defendant has not yet answered the lawsuit. Jurisdiction
5 is based upon the Employee Retirement Income Security Act
6 (hereinafter referred to as "ERISA"), 29 U.S.C. Section 1001, and
7 more specifically Section 1132. Venue is proper under both ERISA
8 and the pertinent collective bargaining agreement.

9 C. Anticipated motions: If the defendant does not answer the
10 Amended Complaint by July 31, 2008, plaintiffs will request that
11 defendant's default be entered by the Clerk of the Court. If that
12 occurs, plaintiffs will file a motion for default judgement.

13 D. Anticipated or remaining discovery: Unknown at this time.
14 See C above.

15 E. Further proceedings, including setting dates for
16 discovery cutoff, pretrial and compliance with local rules 235-7,
17 235-9, and 235-10: Unknown at this time. See C above.

18 F. Appropriateness of special procedures: Plaintiffs admit
19 that such procedures are not applicable to this action.

20 G. Modification of standard pretrial procedures: Not
21 applicable.

22 H. Prospects for Settlement: Likely not applicable. See C
23 above.

24 I. Other matters; issues: Since the time for defendant's
25 answer to the Amended Complaint will not expire until July 30, 2008
26 and plaintiffs may thereafter file a motion for default judgment,
27 plaintiffs request that the August 1, 2008 Case Management
28 Conference be continued to a date on or after September 29, 2008.

1 Dated: July 15, 2008

Respectfully submitted,
2 McCARTHY, JOHNSON & MILLER
3 LAW CORPORATION

4 By: /s/ Lori A. NORD
5 Lori A. NORD
6 Attorneys for Plaintiffs

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8 IT IS SO ORDERED that the August 1, 2008, Case Management
9 Conference is continued to _____, 2008.

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11 Dated: _____

12 _____
13 Judge, Samuel Conte
14 United States District Court

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DECLARATION OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the State of California. I am over the age of eighteen years and not a party to the within matter. My business address is 595 Market Street, Suite 2200, San Francisco, California 94015.

I am familiar with the practice of McCarthy, Johnson & Miller Law Corporation for collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United State Postal Service the same day it is submitted for mailing.

I served the following documents by placing a true copy of each such document for collection and mailing, in the course of ordinary business practice, with other correspondence of McCarthy, Johnson & Miller Law Corporation, located at 595 Market Street, Suite 2200, San Francisco, California 94105, on the date set forth below, enclosed in a sealed envelope with postage fully prepaid, addressed in the manner set forth immediately below this declaration.

Documents served:

1. CASE MANAGEMENT CONFERENCE STATEMENT AND (PROPOSED) ORDER

I declare under penalty of perjury that the foregoing is true and correct.

Dated at San Francisco, California on July 15, 2008.

By: Alice Watson
Alice Watson

Image Landscape, Inc.
4800 Amber Lane
Sacramento, CA 95841